

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DAVID CATANZARO,</b>	)	<b>CASE NO. 1:13-cv-00996-DAP</b>
	)	
<b>Plaintiff</b>	)	<b>JUDGE DAN AARON POLSTER</b>
	)	
<b>v.</b>	)	<b>DEFENDANTS SEAMAN GARSON,</b>
	)	<b>LLC AND JAMES A. DEROCHE'S</b>
<b>SEAMAN GARSON, LLC/LLP, et al.</b>	)	<b>INITIAL DISCLOSURES PURSUANT</b>
	)	<b>TO CIVIL RULE 26(a)(1)&amp;(2)</b>
<b>Defendants</b>	)	
	)	

Defendants Seaman Garson, LLC and James A. DeRoche (herein "Defendants"), by and through counsel, hereby make the follow initial disclosures pursuant to Federal Rule of Civil Procedure 26(a):

**A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

1. ***Plaintiff David Catanzaro, 286 Upper Powderly Street, Carbondale, Pennsylvania 18407:*** All matters relating to the allegations in Plaintiff's complaint, including but not limited to the issuance and maintenance of the pertinent patents, the filing and execution of the applicable terminal disclaimer letter, all pertinent issues relating to the underlying litigation and the representation provided to Plaintiff therein, and Plaintiff's claimed damages.
2. ***Defendant Wayne D. Porter, Jr., 1370 Ontario Street, #600, Cleveland, Ohio 44113:*** All matters relating to the allegations in Plaintiff's complaint, including but not limited to all pertinent issues relating to the underlying litigation and the representation provided to Plaintiff therein.

3. ***Defendant James A. DeRoche, Rockefeller Building, 16th Floor, 614 W. Superior Avenue, Cleveland, Ohio, 44113:*** All matters relating to the allegations in Plaintiff's complaint, including but not limited to all pertinent issues relating to the underlying litigation and the representation provided to Plaintiff therein.
4. ***Counsel for the various defendants in the underlying litigation, Catanzaro v. Procter & Gamble Co., et al., N.D. Ohio Case No. 1:10-cv-00403, whose names and contact information are contained on the docket sheet for the underlying case:*** Legal arguments and issues raised in the underlying action and facts relevant to the underlying settlement.
5. ***Michael Kroll, 115 Eileen Way, Suite 105, Syosset, New York 11791:*** Matters relating to Mr. Kroll's prior representation of and/or involvement with Plaintiff and the patents at issue in the underlying case.
6. ***Douglas R. Cole, 1335 Dublin Road, Suite 104D, Columbus, Ohio 43215:*** Matters relating to Mr. Cole's representation of and/or involvement with Plaintiff regarding Plaintiff's attempts to pursue patent infringement claims after the settlement of the underlying action.

**B. MATERIALS THAT MAY BE USED TO SUPPORT CLAIMS OR DEFENSES**

Materials in Defendants' possession that Defendants may use to support their defenses include the following documents, all of which are in the possession of the undersigned counsel, and a copy of which are being produced to Plaintiff's counsel:

1. Defendant DeRoche's file for the underlying litigation, *Catanzaro v. Procter & Gamble Co., et al.*, N.D. Ohio Case No. 1:10-cv-00403, which includes:
  - a. Pleadings and other court filings in the underlying litigation;
  - b. Discovery materials produced in the underlying litigation;
  - c. Email communications relating to the underlying litigation; and
  - d. Other materials Plaintiff provided to Defendant DeRoche.
2. Correspondence between Plaintiff and Defendant Porter and/or Defendant DeRoche subsequent to the settlement and dismissal of the underlying litigation; and
3. A copy of the terminal disclaimer letter executed and filed by Plaintiff in September of 2001.

Defendants reserve the right to supplement this list as discovery proceeds or to otherwise provide a list of exhibits pursuant to any scheduling order set by the Court.

**C. COMPUTATION OF DAMAGES**

Defendants do not have a computation of Plaintiff's alleged damages at this time. Defendants contend, however, that Plaintiff's claims against Defendants Seaman Garson, LLC and James A. DeRoche are meritless as a matter of law, and that Plaintiff is not entitled to any damages in this case. Defendants further contend that any alleged damages asserted by Plaintiff are wholly speculative and cannot be established with reasonable certainty.

**D. INSURANCE AGREEMENTS**

A copy of the insurance policy applicable to Defendants Seaman Garson, LLC and James A. DeRoche for the claims asserted in Plaintiff's complaint, Attorney Shield Policy No. 7035011, is being produced.

**E. EXPERT WITNESSES**

No determination has been made regarding potential expert witnesses that Defendants Seaman Garson, LLC and James A. DeRoche may call to testify at the trial of this matter. Defendants will timely supplement expert information in accordance with the Federal Rules of Civil Procedure, Local Rules, Court Order, and as discovery progresses.

Respectfully submitted,

/s/Shane A. Lawson

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**MONICA A. SANSALONE (#0016543)**

**TIMOTHY T. BRICK (#0040526)**

**SHANE A. LAWSON (#0086275)**

**Gallagher Sharp**

Sixth Floor-Bulkley Building

1501 Euclid Avenue

Cleveland, OH 44115

(216) 241-5310 Telephone

(216) 241-1608 Telefax

E-mail: [msansalone@gallaghersharp.com](mailto:msansalone@gallaghersharp.com)

[tbrick@gallaghersharp.com](mailto:tbrick@gallaghersharp.com)

[slawson@gallaghersharp.com](mailto:slawson@gallaghersharp.com)

*Attorneys for Defendants Seaman Garson, LLC and  
James A. DeRoche*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2013, a copy of the foregoing initial disclosures was filed electronically. Notice of this filing will be sent by operation of the Court's electronic system to all parties indicated on the electronic receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/Shane A. Lawson

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**MONICA A. SANSALONE (#0016543)**

**TIMOTHY T. BRICK (#0040526)**

**SHANE A. LAWSON (#0086275)**

**Gallagher Sharp**

*Attorneys for Defendants*

*Seaman Garson, LLC/LLP and James A.*

*DeRoche*